

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States District Court  
Southern District of Texas

**ENTERED**

April 21, 2017

David J. Bradley, Clerk

ALPHONSO BOUTIRE,  
Petitioner,

v.

LORIE DAVIS,  
Director of the Texas Department  
of Criminal Justice - Correctional  
Institutions Division,  
Respondent.

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CIVIL ACTION NO: H-17-0831

**MEMORANDUM AND RECOMMENDATION**

On April 6, 2017, this court recommended that Alphonso Boutire's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be transferred to the United States District Court for the Western District of Texas (Dkt. 6). Boutire did not file objections and instead filed a motion to dismiss his case (Dkt. 10). Therefore, the April 6, 2017 memorandum and recommendation is vacated, and the court recommends that Boutire's petition be dismissed without prejudice in accordance with his request.

The parties have 14 days from receipt to file written objections. *See* Rule 8(b) of the Rule Governing Section 2254 Cases; 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72. Failure to file written objections within that time may bar an aggrieved party from attacking the factual findings and legal conclusions on appeal, except for plain error.

Signed at Houston, Texas on April 21, 2017.



Stephen Wm. Smith  
United States Magistrate Judge